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10 Attorneys for Defendant
11 UNITED STATES OF AMERICA

12 IN THE UNITED STATES DISTRICT COURT
13
14 EASTERN DISTRICT OF CALIFORNIA

15 BRADLEY MEDINA and SVETLANA
16 KRIVENCHEVA,

17 Plaintiffs,

18 v.
19 UNITED STATES OF AMERICA and
20 COURTNEY L. MAPES, M.D.,

21 Defendants.

22 No. 1:21-CV-00844-NONE-EPG

23 **STIPULATION AND ORDER TO VACATE
24 AND RESET SCHEDULING CONFERENCE**

25 The parties request that the Court vacate the scheduling conference set for November 2, 2021 at
26 10:00 a.m. and reset to a date after the Court resolves the United States' motion to dismiss. On
27 September 1, 2021, the United States was served with Plaintiffs' complaint. The United States'
28 responsive pleading is therefore due on November 1, 2021. Fed. R. Civ. P. 12(a)(2). Currently, a
scheduling conference is set for November 2, 2021. ECF No. 7. However, in lieu of filing an answer,
the United States intends to file a motion to dismiss the claims alleged against the United States pursuant
to Fed. R. Civ. P. 12(b)(1) for lack of subject-matter jurisdiction. Pursuant to Fed. R. Civ. P. 6(b), good
cause exists to vacate the scheduling conference because, if granted, the United States would no longer
be a party to this action.

1 **STIPULATION**

2 Accordingly, IT IS HEREBY STIPULATED by and between the parties and subject to the
3 Court's approval, that the scheduling conference set for November 2, 2021 at 10:00 a.m. is VACATED
4 and will be reset after the United States' motion to dismiss is resolved by the Court.

5
6 Dated: October 26, 2021

PHILLIP A. TALBERT
Acting United States Attorney

7 By: /s/ W. Dean Carter
8 W. DEAN CARTER
9 Assistant United States Attorney

10 Attorneys for Defendant
11 UNITED STATES OF AMERICA

12 LeBEAU-THELEN, LLP

13 Dated: October 26, 2021

14 By: /s/ Amanda M. Lucas (authorized 10.26.21)
15 AMANDA M. LUCAS
16 DENNIS R. THELEN

17 Attorneys for Defendant
18 COURTNEY L. MAPES, M.D.

19 MILLER & JAMES, LLP

20 Dated: October 26, 2021

21 By: /s/ Patricia I. James (authorized 10.26.21)
22 PATRICIA I. JAMES
23 DAVID D. MILLER

24 Attorneys for Plaintiffs
25 BRADLEY MEDINA and SVETLANA
26 KRIVENCHEVA

ORDER

Pursuant to the parties' stipulation (Doc. 9), IT IS HEREBY ORDERED that the scheduling conference currently set for November 2, 2021 before the undersigned is vacated. Within ten days after issuance of a ruling on the United States' motion to dismiss, should the matter go forward, the parties are directed to contact Courtroom Deputy Michelle Rooney (mrooney@caed.uscourts.gov) to reset the scheduling conference.

IT IS SO ORDERED.

Dated: October 27, 2021

/s/ Eric P. Goss

UNITED STATES MAGISTRATE JUDGE